

FILED
LODGED
ENTERED
RECEIVED

SEP 07 2006 LK

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT
SEATTLE

KENNETH FLEMING, JOHN DOE, R.K., AND
T.D.

Plaintiff/Petitioner

Cause #: 04-2338 RSM

vs.
THE CORPORATION OF THE PRESIDENT OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS, ET AL.,

Defendant/Respondent

Declaration of Service of:

SUBPOENA IN A CIVIL CASE; WITNESS FEE CHECK;

Hearing Date: Oct 2 2006

Declaration:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

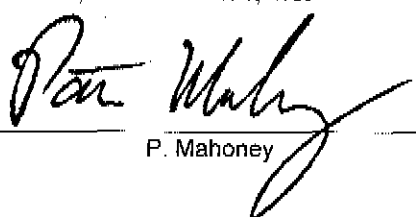
On the date and time of Aug 31 2006 9:05PM at the address of 19543 27TH AVE NW SIORRELINE, within the County of KING, State of WASHINGTON, the declarant duly served the above described documents upon WARLAND WIGHT, PH.D. by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with WARLAND WIGHT, PH.D., W/M 55 6'0" 190 BROWN/GRAY HAIR.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: September 5, 2006 at Seattle, WA

by


P. Mahoney

Service Fee Total: \$ 148.20



04-CV-02338-DECL

ORIGINAL
OOF OF SERVICE

Gordon, Murray & Tilden
1001 4th Ave, #4000
Seattle, WA 98154
206 467-6477

FILED
LODGED
ENTERED
RECEIVED

SEP 07 2006 LK

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K., AND
T.D.,

Plaintiff/Petitioner

Cause #: 04-2338 RSM

vs.
THE CORPORATION OF THE PRESIDENT OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS, ET AL.,

Defendant/Respondent

Declaration of Service of:

SUBPOENA IN A CIVIL CASE; WITNESS FEE CHECK:

Hearing Date: Oct 2 2006

Declaration:

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

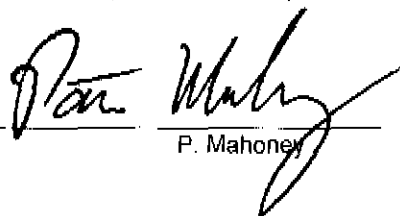
On the date and time of Aug 31 2006 9:05PM at the address of 19543 27TH AVE NW SHORELINE, within the County of KING, State of WASHINGTON, the declarant duly served the above described documents upon WARLAND WIGITT, PH.D. by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with WARLAND WIGITT, PH.D., W/M 55 6'0" 190 BROWN/GRAY HAIR.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: September 7, 2006 at Seattle, WA

by



P. Mahoney

Service Fee Total: \$ 148.20

DUPLICATE
ORIGINAL
PROOF OF SERVICE

ABC Legal Services, Inc.
206 521-9000
Tracking #: 4177249



Gordon, Murray & Tilden
1001 4th Ave, #4000
Seattle, WA 98154
206 467-6477

*AO 88 (Rev. 1/94) subpoena in a Civil Case

**Issued by the
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

KENNETH FLEMING, JOHN DOE, R.K., and T.D.,
Plaintiffs,

SUBPOENA IN A CIVIL CASE

v.

THE CORPORATION OF THE PRESIDENT OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS, et al.,
Defendants.

CASE NUMBER: ¹ 04-2338 RSM

TO: Warland Wight
8617 35th Avenue NE
Seattle, WA 98115

☒ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

United States District Court
700 Stewart Street
Seattle, Washington 98101
Courtroom of the Honorable Ricardo S. Martinez

COURTROOM

DATE AND TIME
October 2, 2006,
9:00 a.m.

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

All documents relating to Robert Kelly, DOB: 6/26/62

PLACE

United States District Court
700 Stewart Street
Seattle, Washington 98101
Courtroom of Honorable Ricardo S. Martinez

DATE AND TIME

October 2, 2006,
9:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME ADDRESS AND PHONE NUMBER

Charles C. Gordon, Gordon Murray Tilden LLP, 1001 Fourth Avenue, Suite 4000, Seattle, WA 98154

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

COPY

AQ 88 (Rev. 1/94) subpoena in a Civil Case

PROOF OF SERVICE

SERVED:

DATE

PLACE

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D;**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that,

subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

COUNSEL OF RECORD

DEFENDANTS:

Charles C. Gordon & Jeffrey I. Tilden
Gordon Murray Tilden LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Telephone: (206) 467-6477
Facsimile: (206) 467-6292
Email: CGordon@gmtlaw.com
Email: JTilden@gmtlaw.com

PLAINTIFFS:

Michael T. Pfau
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP
P.O. Box 1157
Tacoma, WA 98401-1157
Telephone: (206) 676-7500
Facsimile: (206) 676-7575
E-Mail: mpfau@gth-law.com

Timothy D. Kosnoff
Law Offices of Timothy D. Kosnoff, P.C.
600 University Street, Suite 2101
Seattle, WA 98101
Telephone: (206) 676-7610
Facsimile: (425) 837-9692
E-Mail: timkosnoff@comcast.net